

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SHAUN ROSIERE, )  
Plaintiff, )  
vs. ) Case No.: 2:16-cv-02286-GMN-PAL  
UNITED STATES OF AMERICA, )  
Defendant. )  
)  
)  
**ORDER**

## ORDER

By Notice, (ECF No. 77), entered May 15, 2017, the U.S. Court of Appeals for the Ninth Circuit referred this matter to the District Court for the limited purpose of determining whether *in forma pauperis* status should continue for this appeal or whether the appeal is frivolous or taken in bad faith. *See* 28 U.S.C. § 1915(a)(3); *Hooker v. Am. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (finding revocation of *in forma pauperis* status appropriate where the district court finds appeal frivolous).

Here, Plaintiff Shaun Rosiere (“Plaintiff”) appeals the Court’s Order, (ECF No. 68), granting Defendant’s Motion to Dismiss and dismissing this action with prejudice. (*See* Notice of Appeal, ECF No. 72). As stated in the Court’s Order, the Ninth Circuit has previously dismissed a nearly identical appeal as frivolous. (Order 3:24–25); *see Rosiere v. United States*, No. 17-15103 (9th Cir. April 28, 2017). Likewise, the Court determines that the instant appeal is frivolous.

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1       **IT IS HEREBY ORDERED** that the Court certifies Plaintiff's appeal as frivolous  
2 pursuant to 28 U.S.C. § 1915(a)(3). Plaintiff's *in forma pauperis* status is therefore  
3 **REVOKED** for purposes of this appeal.

4 || DATED this 23 day of May, 2017.

Gloria M. Navarro, Chief Judge  
United States District Court